IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Naohiro YASUDA

Serial No.: 10/007,279	Group Art Unit: 2626
Date Filed: November 12, 2001	Examiner: Michael Burleson

For: METHOD, APPARATUS AND COMPUTER PRODUCT PROGRAM FOR
PERFORMING SHADING CORRECTION OF IMAGE PROCESSING APPARATUS

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

Applicant hereby petitions under 37 C.F.R. § 1.181(a) to the Director to request withdrawal of a holding of abandonment in connection with the above-identified application. This Petition is submitted in response to a Notice of Abandonment dated August 8, 2008 issued by the United States Patent and Trademark Office ("PTO") in connection with the above-identified application. This Petition is submitted within two months of the August 8, 2008 Notice, in accordance with 37 C.F.R. § 1.181(f). Accordingly, this Petition is being timely filed.

A copy of the August 8, 2008 Notice of Abandonment is attached hereto as **Exhibit 1**. The Notice of Abandonment states that the application is abandoned because (I) applicant failed to timely file a proper reply to an Office letter mailed July 5, 2006, and that no reply has been received, and (II) there was no signature on an amendment dated June 29, 2006, and no response to a non-compliant notice sent.

Applicant respectfully submits that the August 8, 2008 Notice of Abandonment was sent in

error based on the reasons discussed in detail below

(I) <u>There is no July 5, 2006 Office letter</u>

For the reasons stated below, applicant respectfully submits that no Office letter was mailed on July 5, 2008.

(A) There is not a July 5, 2006 Office letter in the Image File Wrapper of this application, maintained by the Patent Office. A printout of a listing of documents in the USPTO Image File Wrapper (which has been annotated for later reference), entitled "Bibliographic Data", is attached hereto as **Exhibit 2**. There is **no** document listed with a Mail Room Date of July 5, 2006 in the image file wrapper listing of documents.

(B) Further, based on a search of the file maintained by applicant's attorneys of record for this application and based on an examination of the docketing record for this application, applicant maintains that no Official communication dated July 5, 2006 from the Patent Office was received by applicant and applicant's attorneys of record. No July 5, 2006 Office letter (or a copy thereof) was found in the file maintained by Applicant's attorneys of record for this application.

Attached hereto as **Exhibit 3** is a copy of an annotated computer printout of the complete computer docketing record maintained by applicant's attorneys of record in connection with the above-identified patent application.

If a July 5, 2006 Office letter mailed by the Patent Office had been received by applicant's attorneys of record, an entry would appear in the computer docketing record (Exhibit 3) indicating that a response to a July 5, 2006 official communication was due (including at least one due date, such as extended due dates when an extension of time is available). Instead, a due date of September 1, 2006 is indicated on the attached computer docketing record (annotated on Exhibit 3) corresponding to an Interview Summary dated August 1, 2006, allegedly as a record of a telephone

interview conducted by the undersigned with Examiners Michael Burleson and Kimberly Williams.

A copy of the August 1, 2006 Interview Summary is attached hereto as **Exhibit 4**.

Applicant respectfully submits that the telephone interview referenced in the August 1, 2006 Interview Summary was conducted on June 29, 2006 (and not on July 5, 2006). The August 1, 2006 Interview Summary states: "Mr. Teng also gave permission, if allowable, to change the dependency of claim 25 from claim 23, to claim 24."

Applicant attaches hereto as **Exhibit 5** a copy of a Supplemental Amendment filed by applicant with the Patent Office on June 29, 2006 after the telephone interview on that date. The June 29, 2006 Supplemental Amendment amends claim 25 by changing its dependency from claim 23 to 24 (to correct a typographical error).

Further, the June 29, 2006 Supplemental Amendment indicates the substance of the June 29, 2006 interview.

(II)   June 29, 2006 Supplemental Amendment did not lack a signature

Applicant respectfully submits that the June 29, 2006 Supplemental Amendment was filed with the PTO <u>with</u> a signature, as supported by the evidence attached hereto.

(A) June 29, 2006 Supplemental Amendment included a signature

(1) **Exhibit 5** hereto is a copy of the June 29, 2006 Supplemental Amendment filed by applicant (15 pages total). Page 14 of the June 29, 2006 Supplemental Amendment contains a signature and indicates that it was received by the Patent Office (see page 14 in Exhibit 5 bearing the "Received" stamp of the PTO Central Fax Center, indicating receipt by the PTO on June 29, 2006).

Applicant submits that the June 29, 2006 Supplemental Amendment, including signature on page 14, was received by the PTO on June 29, 2006.

(B) Applicant did not receive a non-compliant notice sent by the PTO

(1) Based on a search of the file maintained by applicant's attorneys of record for this application and based on an examination of the docketing record for this application, applicant maintains that no non-compliant notice sent by the PTO was ever received by applicant's attorneys of record. In addition, no non-compliant notice (or a copy thereof) was found in the file maintained by applicant's attorneys of record for this application.

(2) Attached hereto as **Exhibit 3** is a copy of a computer printout of the complete computer docketing record corresponding to the above-identified patent application.

If a non-compliant notice from the PTO had been received by applicant's attorneys of record, an entry would appear in the computer docketing record (Exhibit 3) indicating that a response to a non-compliant notice was due (including the various due dates). However, **no** such information that would indicate or suggest that a non-compliant notice was received appears in the computer docketing record for this application.

(3) Further, as self-evident in Exhibit 2, no such non-compliant notice is in the Image File Wrapper. Applicant submits that no such notice was ever mailed to applicant[1].

(4) Although the listing of documents in the Image File Wrapper includes an entry identified as "Informal or Non-Responsive Amendment", the 2 page document downloaded from the Image File Wrapper and corresponding to the entry identified as "Informal or Non-Responsive Amendment" (attached as **Exhibit 6** hereto), does not include any non-compliant notice, but rather contains only the facsimile cover page and page 1 of applicant's June 29, 2006 Supplemental Amendment.

---

[1] The undersigned and USPTO Examiner Michael Burleson have discussed by telephone several times in 2007 and 2008 regarding this application. Each time the undersigned requested Examiner Burleson to located and forward a copy of the alleged non-compliant notice, and each time Examiner Burleson was unable to obtain such copy (and the conclusion at the end of each telephone conference was no such non-compliant notice was ever mailed).

Based on the foregoing applicant respectfully submits that (I) applicant did <u>not</u> receive a July 5, 2006 Office letter (and none was sent by the Patent Office); (II) the June 29, 2006 Supplemental Amendment <u>was</u> submitted with a signature; and (III) <u>no</u> non-compliant notice was received by applicant (and none was sent by the Patent Office). Applicant hereby requests the Director to withdraw the holding of abandonment in connection with this application.

No fee is deemed necessary in connection with the filing of this Petition. If, however, any fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,

Date: October 8, 2008

Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400

EXHIBIT 1

to

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

(Serial No. 10/007,279)

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10/007,279	11/12/2001	Naohiro Yasuda	2271/66021	6922

		EXAMINER
7590 08/08/2008		BURLESON, MICHAEL L

Ivan S. Kavrukov
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
08/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Notice of Abandonment	10/007,279	YASUDA, NAOHIRO
	Examiner	Art Unit	
	MICHAEL BURLESON	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of

1 ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on <u>05 July 2006</u>

   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____

   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1 113 (a) to the final rejection

      (A proper reply under 37 CFR 1 113 to a final rejection consists only of (1) a timely filed amendment which places the application in condition for allowance, (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1 114)

   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection See 37 CFR 1 85(a) and 1 111 (See explanation in box 7 below)

   (d) ☒ No reply has been received

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85)

   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)

   (b) ☐ The submitted fee of $_____ is insufficient A balance of $_____ is due

      The issue fee required by 37 CFR 1 18 is $_____ The publication fee, if required by 37 CFR 1 18(d), is $_____

   (c) ☐ The issue fee and publication fee, if applicable, has not been received

3 ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37)

   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply

   (b) ☐ No corrected drawings have been received

4 ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants

5 ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1 34(a)) upon the filing of a continuing application

6 ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims

7 ☒ The reason(s) below

   There was no signature on the amendment dated 06/29/2006 and no response to the non-compliant notice sent

/Twyler L Haskins/
Supervisory Patent Examiner, Art Unit 2625

/Michael Burleson/
Examiner, Art Unit 2625

Petitions to revive under 37 CFR 1 137(a) or (b) or requests to withdraw the holding of abandonment under 37 CFR 1 181, should be promptly filed to minimize any negative effects on patent term
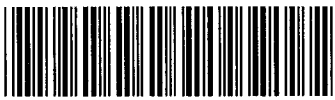
Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/007,279	YASUDA, NAOHIRO
	Examiner	**Art Unit**
	MICHAEL BURLESON	2625

EXHIBIT 2

to

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

(Serial No. 10/007,279)

10/007,279	Method, apparatus and computer product program for performing shading correction of image processing apparatus	10-07-2008::15:07:15

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
08-08-2008	**ABN**	**Abandonment**	**PROSECUTION**	2
08-08-2008	ABN	Abandonment	PROSECUTION	1
04-05-2007	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	3
04-05-2007	FOR	Foreign Reference	PRIOR ART	25
04-05-2007	FOR	Foreign Reference	PRIOR ART	9
08-01-2006	EXIN	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	2
06-29-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
06-29-2006	A I	Informal or Non-Responsive Amendment	PROSECUTION	2
06-29-2006	CLM	Claims	PROSECUTION	10
06-29-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
06-19-2006	A	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	2
06-19-2006	CLM	Claims	PROSECUTION	10
06-19-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
06-19-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
06-19-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
03-24-2006	CTNF	Non-Final Rejection	PROSECUTION	10
03-24-2006	892	List of references cited by examiner	PRIOR ART	1
03-24-2006	FOR	Foreign Reference	PRIOR ART	8
03-24-2006	FOR	Foreign Reference	PRIOR ART	6
03-24-2006	BIB	Bibliographic Data Sheet	PROSECUTION	1
03-24-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
03-24-2006	FWCLM	Index of Claims	PROSECUTION	1
12-12-2005	A	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
12-12-2005	SPEC	Specification	PROSECUTION	1
12-12-2005	CLM	Claims	PROSECUTION	8
12-12-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
12-12-2005	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
09-09-2005	CTNF	Non-Final Rejection	PROSECUTION	8
09-09-2005	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
09-09-2005	892	List of references cited by examiner	PRIOR ART	1
09-09-2005	FOR	Foreign Reference	PRIOR ART	8
09-09-2005	FOR	Foreign Reference	PRIOR ART	6
09-09-2005	FWCLM	Index of Claims	PROSECUTION	1
09-09-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
09-09-2005	BIB	Bibliographic Data Sheet	PROSECUTION	1
09-05-2005	SRNT	Examiner's search strategy and results	PROSECUTION	2
		Applicant Response to Pre-Exam Formalities		

03-13-2002	PEFR	Notice	PROSECUTION	3
03-13-2002	OATH	Oath or Declaration filed	PROSECUTION	3
01-11-2002	PEFN	Pre-Exam Formalities Notice	PROSECUTION	1
11-12-2001	TRNA	Transmittal of New Application	PROSECUTION	4
11-12-2001	SPEC	Specification	PROSECUTION	18
11-12-2001	CLM	Claims·	PROSECUTION	9
11-12-2001	ABST	Abstract	PROSECUTION	1
11-12-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	12
11-12-2001	OATH	Oath or Declaration filed	PROSECUTION	3
11-12-2001	BIB	Bibliographic Data Sheet	PROSECUTION	1
11-12-2001	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-12-2001	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-12-2001	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
11-12-2001	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	30
11-12-2001	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	3
11-12-2001	FOR	Foreign Reference	PRIOR ART	9

Close Window

EXHIBIT 3

to

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

(Serial No. 10/007,279)

mdc

Patent: 66021, United States, REGULAR CASE TYPE,
NATIONAL CASE, ORIGINAL OR PATENT CASE

Patent Data

Docket Number	66021	Attorney	IVAN S. KAVRUKOV
Country	United States	Agent	ELISA KIM
Case Type	REGULAR CASE TYPE	Client\Division	RICOH COMPANY, LTD.
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	2271
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		On Dennemeyer (yes/no)	
Status	Filed	First Filing Date	11/12/2000
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	10/007,279	Application Date	11/12/2001
Patent Number		Grant Date	
Publication Number	US02-0089707A1	Publication Date	7/11/2002
Assigned		Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	D4PP	Customer Name	Cooper & Dunham

Title

METHOD, APPARATUS AND COMPUTER PRODUCT PROGRAM FOR PERFORMING SHADING CORRECTION OF IMAGE PROCESSING
APPARATUS

Description

Current Expense Information

Other Case-Related Information

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
Filing Receipt Received PCT APPLICATION HAS		4/8/2002					

BEEN FILED

Projected Publication date		5/12/2003	
Filing Receipt Received	1/17/2002		
Taxes/ Annuties Paid			
Response to 1st OA filed	12/8/2005		
30 days/1 month response due		9/1/2006	
Notice of missing parts filed	3/5/2002		
Reponse 2nd OA filed	6/19/2006		
Check Declaration/Refund (if needed)	1/12/2002		
Information Disclosure Statement	2/12/2002	4/2/2007	4/5/2007
File Assignment	2/12/2002		
Notice of missing parts due	3/11/2002	3/5/2002	
1st Office Action Mailing Date	12/9/2005	12/8/2005	
Second office action	6/24/2006	6/19/2006	PROCESSED 3/28/06 MAL
Abandon?	8/22/2008	8/22/2008	
Petition to Revive Due - 2 month deadline	10/8/2008	10/8/2008	

Inventors

Inventor Name	Assignment Date	Custom Text #2	Inventor	Inventor Date #2	Inventor 1	Inventor 2	Real Number 1	Real Number 2
NAOHIRO YASUDA								

CreateUser: MAL   UpdateUser: CDUN\KALYIREN

CreateDate: 11/15/2001   UpdateDate: 8/12/2008

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EXHIBIT 4

to

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

(Serial No. 10/007,279)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,279	11/12/2001	Naohiro Yasuda	2271/66021	6922

7590   08/01/2006

Ivan S. Kavrukov
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER
BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Interview Summary	10/007,279	YASUDA, NAOHIRO
	Examiner	Art Unit	
	Michael Burleson	2626	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Michael Burleson*.   (3)*Kimberly Williams*.

(2) *Paul Teng*.   (4)_____.

     Date of Interview: *7-5-06*

     Type: a)☒ Telephonic   b)☐ Video Conference
               c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
    If Yes, brief description: _____.

Claim(s) discussed: *1,6,8,13,14 and 20-25*.

Identification of prior art discussed: *Kazumasa JP 10-233925*.

Agreement with respect to the claims f)☐ was reached.   g)☐ was not reached.   h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *Mr. Teng discussed the patentablity of the pending claims over the prior art of record and further clairified the patentable subject matter of the pending claims (peak value). Mr. Teng also gave permission, if allowable, to change the dependency of claim 25 from claim 23 to claim 24*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

EXHIBIT 5

to

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

(Serial No. 10/007,279)

COOPER & DUNHAM LLP
ATTORNEYS AT LAW
1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036
TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
ROBERT B G HOROWITZ
ERIC D KIRSCH
GARY J. GERSHIK
WENDY E. MILLER
ROBERT T. MALDONADO
ALAN J. MORRISON
AUDE OENSPACHER
BRIAN J. AMOS
TONIA A. SAYOUR
NILAY O. PATEL

IVAN S. KAVRUKOV
PETER D. MURRAY
WILLIAM E. PELTON
ROBERT O. KATZ
PAUL TENG
PETER J. PHILLIPS
RICHARD S. MILNER
RICHARD F JAWORSKI
MARIA V MARUCCI
JEFFREY C SHIEH
JOSEPH B GROSS
DANIEL N. SMITH
GREGORY J. CARBO*

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630
(212) 391-0631
(212) 827-0247

OF COUNSEL
DONALD S. DOWDEN

SCIENTIFIC ADVISOR
JAMES R. MAJOR, D. PHIL

FOUNDED 1887
www.cooperdunham.com

*NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO   :   United States Patent and Trademark Office

ATTN.:   Examiner Michael Burleson, Group Art Unit 2626

FAX NO.:   (571) 273-8300

FROM :   Paul Teng   OUR DOCKET NO.: 2271/66021

DATE :   June 29, 2006

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 15

○ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

☞ MESSAGE ☜

In connection with Serial No. 10/007,279:
    Supplemental Amendment.

Dkt. 2271/66021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Naohira YASUDA
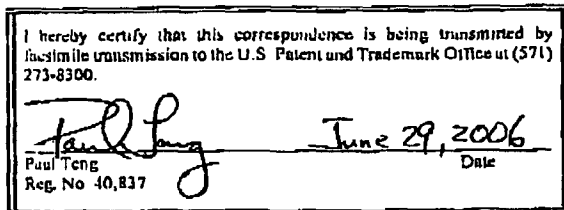
Serial No.: 10/007,279   Group Art Unit: 2626

Date Filed: November 12, 2001   Examiner: Michael Burleson

For: METHOD, APPARATUS AND COMPUTER PRODUCT PROGRAM FOR
        PERFORMING SHADING CORRECTION OF IMAGE PROCESSING
        APPARATUS

I hereby certify that this correspondence is being transmitted by facsimile transmission to the U.S Patent and Trademark Office at (571) 273-8300.
~~Paul Teng~~   June 29, 2006
Paul Teng   Date
Reg. No 40,837

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

Sir:

This Amendment supplements the Amendment filed June 19, 2006 in response to the

Office Action dated March 24, 2006 in connection with the above-identified application.

Amendments to the Claims are reflected in the **Listing of Claims** section which begins on

page 2.

Remarks begin on page 12 of this paper.

Naohiro Yasuda, S.N. 10/007,279   Dkt. No. 2271/66021
Page 2

<u>Listing of Claims</u>

The following listing of claims will replace all prior versions, and listings, of claims in the subject application:

1. (previously presented) An image reading apparatus, comprising:

an image sensor configured to read an image of an original document to generate read image data;

a shading correction device configured to perform a shading correction on said read image data; and

an abnormal white image pixel detection device configured to examine a value of standard white image data on a pixel-by-pixel basis to determine whether or not pixels are abnormal,

wherein the standard white image data is acquired by reading a white image which is a standard for a shading correction,

wherein before the image of the original document is read, a predetermined value corresponding to a peak value of the standard white image data is set as a standard white image data for a pixel that is determined to be abnormal by said abnormal white image pixel detection device.

2. (original) An image reading apparatus, comprising:

an image sensor configured to read an image of an original document to generate read image data;

a shading correction device configured to perform a shading correction on said read image

Naohiro Yasuda, S.N. 10/007,279   Dkt. No. 2271/66021
Page 3

data;

an abnormal white image pixel detection device configured to examine a value of standard white image data on a pixel-by-pixel basis so as to determine whether or not pixels are abnormal, wherein the standard white image data is acquired by reading a white image which is a standard for a shading correction;

an image data correction device configured to correct a value of continuous pixels, which is determined to be abnormal when the image of the original document is read, based on a value of a normal pixel around the continuous abnormal pixels on which the shading correction is performed, when the number of the continuous abnormal pixels is within a predetermined allowable number,

wherein a previously specified value is stored for use as the standard white image data for pixels that are determined to be abnormal by said abnormal white image pixel detection device, and wherein the value of the standard white image data for all of pixels in a region in which the number of the pixels which are determined to be abnormal and for which the previously specified value is stored exceeds the predetermined allowable number, is replaced with a predetermined value.

3.   (original)   The image reading apparatus according to claim 2, wherein the predetermined value is obtained by multiplying a peak value of the standard white image data by a previously determined value of less than 1.

4. (original) The image reading apparatus according to claim 2, wherein the previously specified value is one of an upper limit and a lower limit of the standard white image data.

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5. (previously presented) An image reading apparatus, comprising:

an image sensor configured to read an image of an original document to generate read

image data;

a shading correction device configured to perform a shading correction on said read image

data; and

an abnormal white image pixel detection device configured to examine a value of

standard white image data on a pixel-by-pixel basis to determine whether or not pixels are

abnormal, wherein the standard white image data is acquired by reading a white image which is a

standard for a shading correction,

wherein a previously specified value is stored for use as the standard white image data for

the pixels that are determined to be abnormal by said abnormal white image pixel detection

device, and

wherein the previously specified value is one of a upper limit and a lower limit of the

standard white image data.

6. (previously presented) An image reading method, comprising:

acquiring standard white image data by reading a white image;

determining whether or not the standard white image data is abnormal by examining the

standard white image data on a pixel-by-pixel basis; and

before the image of the original document is read, setting a predetermined value

corresponding to a peak value of the standard white image data as a standard white image data for

a pixel that is determined to be abnormal.

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7. (original) An image reading method, comprising:

acquiring standard white image data by reading a white image;

determining whether or not the standard white image data is abnormal by examining the

standard white image data on a pixel-by-pixel basis;

correcting a value of a first region of pixels, which is determined to be abnormal when an

image of an original document is read, based on a value of a normal pixel around the first region

on which a shading correction has been performed, when the number of pixels in said first region

is within a predetermined allowable number;

replacing the value of the standard white image data for the pixels in a second region, in

which the number of pixels stored with the previously specified value exceeds the predetermined

allowable number, with a predetermined value.

8. (previously presented) An image reading apparatus, comprising:

an image sensor means for reading an image of an original document to generate read

image date;

a shading correction means for performing a shading correction on the read image data;

and

an abnormal white image pixel detection means for examining a value of standard white

image data on a pixel-by-pixel basis to determine whether or not pixels are abnormal, wherein

the standard white image data is acquired by reading a white image which is a standard for a

shading correction,

wherein before the image of the original document is read, a predetermined value

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corresponding to a peak value of the standard white image data is set as a standard white image

data for a pixel that is determined to be abnormal by said abnormal white image pixel detection

means.

     9. (original) An image reading apparatus, comprising:

     an image sensor means for reading an image of an original document to generate read

image data;

     a shading correction means for performing a shading correction on the read image data;

     an abnormal white image pixel detection means for examining a value of standard white

image data on a pixel-by-pixel basis to determine whether or not pixels are abnormal, wherein

the standard white image data is acquired by reading a white image which is a standard for a

shading correction;

     an image data correction means for correcting a value of continuous pixels, which is

determined to be abnormal when the image of the original document is read, based on a value of

a normal pixel around the continuous abnormal pixels on which the shading correction is

performed, when the number of the continuous abnormal pixels is within a predetermined

allowable number, and

     wherein a previously specified value is stored for use as the standard white image data for

pixels that are determined to be abnormal by said abnormal white image pixel detection means,

and wherein the value of the standard white image data for all of pixels in a region in which the

number of the pixels which are determined to be abnormal and for which with the previously

specified value is stored exceeds the predetermined allowable number, is replaced with a

predetermined value.

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10. (original) The image reading apparatus according to claim 9, wherein the predetermined value is obtained by multiplying a peak value of the standard white image data by a previously determined value of less than 1.

11. (original) The image reading apparatus according to claim 9, wherein the previously specified value is one of an upper limit and a lower limit of the standard white image data.

12. (previously presented) An image reading apparatus, comprising:

an image sensor means for reading an image of an original document to generate read image data;

a shading correction means for performing a shading correction on the read image data;

an abnormal white image pixel detection means for examining a value of standard white image data on a pixel-by-pixel basis to determine whether or not pixels are abnormal, wherein the standard white image data is acquired by reading a white image which is a standard for a shading correction;

an image data correction means for correcting a value of continuous pixels, which is determined to be abnormal when the image of the original document is read, based on a value of a normal pixel around the continuous abnormal pixels on which the shading correction is performed, when the number of the continuous abnormal pixels is within a predetermined allowable number, and

wherein a previously specified value is stored for use as the standard white image data for pixels that are determined to be abnormal by said abnormal white image pixel detection means,

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and wherein the value of the standard white image data for all of pixels in a region in which the

number of the pixels which are determined to be abnormal and for which with the previously

specified value is stored exceeds the predetermined allowable number, is replaced with a

predetermined value, and

wherein the previously specified value is one of an upper limit and a lower limit of the

standard white image data.   .

13. (previously presented) A computer readable medium tangibly embodying a computer

program of instructions executable by a computer to perform the steps recited in claim 6.

14. (previously presented) A computer readable medium tangibly embodying a computer

program of instructions executable by a computer to perform the steps recited in claim 7.

15. (original) An image reading method comprising:

reading a white plate to generate white image data comprising white pixel values for

respective pixel positions;

examining the white image data to detect abnormal white pixel values;

replacing white pixel values detected as abnormal in the examining step with replacement

pixel values to thereby generate shading correction data having at least one region of replacement

pixel values;

reading a document to generate document image data comprising document pixel values

for respective pixel positions related to said pixel positions of the white image data;

identifying pixel positions of abnormal document pixel values in said document image

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data;

performing a shading correction on said document image data to replace document pixel

values with corrected document pixel values derived through a process that involves using at

least said shading correction data and said document image data, to thereby generate corrected

document image data; and

providing said corrected original image data as an output.

16. (original) A method as in claim 15 in which the step of replacing white pixel values

comprises using first replacement values set at one of an upper limit and a lower limit of pixel

values in said white image data.

17. (original) A method as in claim 16 in which the step of replacing white pixel values

further comprises selectively using second replacement values derived by weighting respective

white pixel values with weighting factors of less than unity.

18. (original) A method as in claim 17 comprising using said first replacement values for

abnormal white pixel in a region within a first size and using said second replacement values for

abnormal white pixels values in a region exceeding said first size.

19. (original) A method as in claim 18 in which said shading correction further

comprises replacing selected abnormal document pixel values with document pixel values near a

region of the selected abnormal document pixel values.

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20. (previously presented) A computer readable medium tangibly embodying a computer

program of instructions executable by a computer to perform the steps of claim 19.

21. (previously presented) A computer readable medium tangibly embodying a computer

program of instructions executable by a computer to perform the steps of claim 18.

22. (previously presented) A computer readable medium tangibly embodying a computer

program of instructions executable by a computer to perform the steps of claim 17.

23. (previously presented) A computer readable medium tangibly embodying a computer

program of instructions executable by a computer to perform the steps of claim 16.

24. (original) An image reading apparatus comprising:

a reading and digitizing station scanning a white plate to generate white image data

comprising white pixel values for respective pixel positions, and scanning a document to

generate document image data comprising document pixel values for respective pixel positions

related to said pixel positions of the white image data;

an abnormal pixel detecting circuit coupled to said reading and digitizing station to

receive therefrom said white pixel values and identify abnormal white pixel values;

a shading correction circuit coupled to said reading and digitizing station and said

abnormal pixel detection circuit to replace white pixel values identified as abnormal with

replacement pixel values to thereby generate shading correction data having at least one region of

replacement pixel values, and to use said shading correction data to carry out shading correction

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of document pixel values to thereby produce shading-corrected document pixel data;

an abnormal pixel correction circuit coupled to the shading correction circuit to identify abnormal pixel values in said document image data and replace selected abnormal pixel values in said shading-corrected document image data with document pixel values not identified as abnormal by the abnormal pixel value correction circuit.

25. (currently amended) An image reading apparatus as in claim [[23]] 24 in which said abnormal pixel value correction circuit comprises a system for identifying as selected abnormal pixel values only pixel values for pixels in a region of said document image data below a selected size.

REMARKS

As an initial matter, Applicant thanks Examiners Kimberly Williams and Michael Burleson for the courtesies extended in the telephone interview conducted with the undersigned on June 29, 2006.

Claims 1-25 are pending. By the Amendment filed June 19, 2006, claims 1, 6, 8, 13, 14 and 20-23 were previously amended. By this Amendment, claim 25 has been amended to correct a typographical error therein. The March 24, 2006 Office Action indicated that claims 2-4, 7, 9-11, 15-19, 24 and 25 have been allowed. Claims 1, 5, 6, 8, 12-14 and 20-23 are currently presented for reconsideration, with claims 1, 5, 6, 8 and 12 being in independent form.

Claims 1, 6 and 8 were rejected under 35 U.S.C. § 102(b) as purportedly anticipated by JP10-233925 (Kazumasa).

As discussed in the June 29, 2006 telephone interview, Applicant respectfully submits that independent claims 1, 6 and 8 are patentable over the cited art, for at least the following reasons.

This application relates to performing appropriate shading correction of image data by utilizing standard shading correction data from reading a white plate. However, if there is dirt on the white plate or somewhere in the optical path, degraded standard white image data may be obtained from reading the white plate

Applicant devised improvements to overcome this problem. In one approach devised by applicant, a predetermined value corresponding to a peak value of standard shading data (for example, the peak value, or 0.9 x peak value, etc.) is set, before an image of an original document is read, as the standard shading data for a pixel that is determined to be abnormal. These features, as well as additional features, are addressed by independent claims 1, 6 and 8, and

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discussed in more detail in the specification at pages 11-12 in connection with Fig. 3.

Kazumasa (JP10-233925) proposes an approach wherein a reference white image is read from a white plate, and for each pixel in the white image data, a determination of whether or not the pixel is abnormal is made based on a horizontal window of five pixels including the subject pixel, the two pixels immediately to the left of the subject pixel, and the two pixels immediately to the right of the subject pixel (see Kazumasa Japanese-language reference, page 5, Equation I).

Kazumasa further proposes that for each of the plural pixels of the white image, an indication of whether the white image pixel is abnormal is stored, and thus memory is allocated for storing the collection of such indications (that is, pixel is abnormal or normal) for the plural white image pixels. Kazumasa proposes that when a target original image is read by the scanner, whether the read image data for a specific pixel is corrected is determined based on consideration of the stored abnormal white image pixel indications of the corresponding horizontal window of white image pixels, that is, the central white image pixel corresponding to the read image data pixel, the two white image pixels immediately to the left of the central pixel, and the two white image pixels immediately to the right of the central pixel (see Kazumasa Japanese-language reference, page 5, Equation II).

Accordingly, Kazumasa is concerned with identifying the position corresponding to the abnormal white image pixel. In the approach proposed by Kazumasa, the information regarding the positions of abnormal white image pixels (as embodied in the stored indications) is utilized to determine whether the corresponding pixels in the read image data of the target original image (as opposed to the white image) require correction, and determine the particular correction, if any, to be made to a corresponding pixel in the read image data.

Kazumasa neither disclose nor suggests that before an image of an original document is

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read, a predetermined value corresponding to a peak value of standard white image data is set as
the standard white image data for a pixel that is determined to be abnormal, and therefore claim 1
is patentable over Kazumasa.

Independent claims 6 and 8 are patentably distinct from the cited art for at least similar
reasons.

Applicant submits that the application is now in condition for allowance. Accordingly,
Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper
should be considered to be such a petition. The Patent Office is hereby authorized to charge any
fees that may be required in connection with this amendment and to credit any overpayment to
our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is
respectfully requested to call the undersigned attorney.
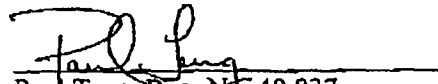
Respectfully submitted,

Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400

EXHIBIT 6

to

PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT

(Serial No. 10/007,279)

COOPER & DUNHAM LLP
ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS. NEW YORK. NEW YORK 10036
TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM	IVAN S. KAVRUKOV	FACSIMILE (212) 391-0525
NORMAN H. ZIVIN	PETER D. MURRAY	(212) 391-0526
JOHN P. WHITE	WILLIAM E. PELTON	(212) 391-0630
ROBERT B G HOROWITZ	ROBERT D. KATZ	(212) 391-0631
ERIC D KIRSCH	PAUL TENG	(212) 827-0247
GARY J. GERSHIK	PETER J PHILLIPS	
WENDY E. MILLER	RICHARD S MILNER	OF COUNSEL
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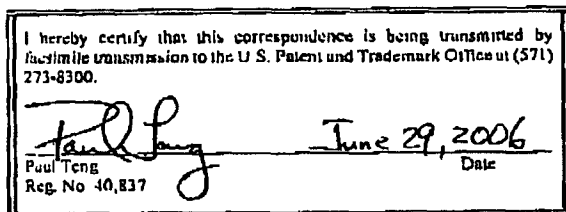
Serial No.: 10/007,279   Group Art Unit: 2626

Date Filed: November 12, 2001   Examiner: Michael Burleson

For: METHOD, APPARATUS AND COMPUTER PRODUCT PROGRAM FOR
       PERFORMING SHADING CORRECTION OF IMAGE PROCESSING
       APPARATUS

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SUPPLEMENTAL AMENDMENT

Sir:

This Amendment supplements the Amendment filed June 19, 2006 in response to the

Office Action dated March 24, 2006 in connection with the above-identified application.

Amendments to the Claims are reflected in the Listing of Claims section which begins on

page 2.

Remarks begin on page 12 of this paper.